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SUPREME COURT, U. S.

APPENDIX

IN THE

Supreme Court of the United States

OCTOBER TERM, 1973

No. 73-439

LEHMAN BROTHERS,

Petitioner,

v.

JACOB SCHEIN; MARVIN H. SCHEIN; ANTONE F. GREGORIO; LUM'S INC.; MELVIN CHASEN; BENJAMIN SIMON; INVESTORS DIVERSIFIED SERVICES, INC.; INVESTORS VARIABLE PAYMENT FUND, INC.; IDS NEW DIMENSIONS FUND, INC.; EUGENE S. SIT; and JAMES R. JUNDT,

Respondents.

No. 73-440

BENJAMIN SIMON,

Petitioner,

v.

JACOB SCHEIN and MARVIN H. SCHEIN,

Respondents.

No. 73-495

INVESTORS DIVERSIFIED SERVICES, INC.; INVESTORS VARIABLE PAYMENT FUND, INC.; and IDS NEW DIMENSIONS FUND, INC.,

Petitioners,

v.

JACOB SCHEIN and MARVIN H. SCHEIN,

Respondents.

INVESTORS DIVERSIFIED SERVICES, INC.,

Petitioner,

v.

ANTONE F. GREGORIO,

Respondent.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

PETITIONS FOR CERTIORARI FILED SEPTEMBER 6, 1973 (Nos. 73-439 and 73-440) AND SEPTEMBER 17, 1973 (No. 73-495)

CERTIORARI GRANTED DECEMBER 3, 1973

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v.

JACOB SCHEIN; MARVIN H. SCHEIN; ANTONE F. GREGORIO; LUM'S INC.; MELVIN CHASEN; BENJAMIN SIMON; INVESTORS DIVERSIFIED SERVICES, INC.; INVESTORS VARIABLE PAYMENT FUND, INC.; IDS NEW DIMENSIONS FUND, INC.; EUGENE S. SIT; and JAMES R. JUNDT,

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Petitioners,

v.

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Respondents.

INVESTORS DIVERSIFIED SERVICES, INC.,

Petitioner,

v.

ANTONE F. GREGORIO,

Respondent.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Chronological List of Docket Entries

IN THE DISTRICT COURT

(No. 71 Civ. 4218):

JACOB SCHEIN and MARVIN H. SCHEIN,

Plaintiffs,

against

MELVIN CHASEN, INVESTORS DIVERSIFIED SERVICES, INC., LEHMAN BROTHERS, INVESTORS VARIABLE PAYMENT FUND, INC., BENJAMIN SIMON, IDS NEW DIMENSIONS FUND, INC., EUGENE S. SIT, JAMES R. JUNDT, and LUM'S, INC.,

Defendants.

DATE	PROCEEDINGS
9–24–71	Filed Complaint. Issued Summons.
10– 8–71	Filed William P. Dorney, Affdvt of service of letter to offices as indicated on 9-28-71.
11– 3–71	Filed Memorandum of Law in support of deft. Simon's motion to dismiss.
11– 3–71	Filed Affidavits of service, and Affidavits in support of motion.
11– 3–71	Filed MEMO. END. on motions of James R. Jundt and Eugene C. Sit. The motions are granted dismissing actions as to defts. James R. Jundt and Eugene C. Sit. It is so ordered. Tyler, J. (Also in 71 Civil 1925).
11– 3–71	Filed Notice of Motion before Tyler, J. re: dismiss as to deft. Simon.
11– 3–71	Filed MEMO.END. on motion to discuss as to Deft. Simon. Motion is granted. SETTLE ORDER ON NOTICE. Tyler, J.

Chronological List of Docket Entries
Schein v. *Chasen*

DATE	PROCEEDINGS
11–11–71	Filed Summons with Marshal's ret. Served; Lum's Inc. by Mr. Ben Pearlson, on 9-29-71 Melvin Chasen, by Ben Pearlson, on 9-29-71 Investors Diversified Services, Inc. by Raleigh Z. Goldberg, on 9-27-71 Investors Variable Payment Fund, Inc. by Wm. C. Herber, on 9-27-71 IDS New Dimensions Fund, Inc. by Wm. C. Herber, on 9-27-71 Eugene S. Sit, on 9-28-71 James R. Jundt, on 9-29-71 Lehman Brothers, by Mr. Huges, on 9-28-71 Benjamin Simon, by Ben Jamin, on 9-28-71
11–15–71	Filed Order STAYING all proceedings in this action and 4 others, up to and including 10 days following the filing of orders denying motions to dismiss. (Filed in 70 Civil 5331). (mailed notice).
12–16–71	Filed OPINION #38113. Tyler, J. Deft. Chasen's motion to dismiss is granted. The motions of the remaining defts. to dismiss are hereby granted. In view of these rulings, defendants' alternative motion for a stay of these actions need not be reached. SETTLE ORDERS accordingly. (mailed notice).
12–16–71	Filed defts' Investors Diversified Service, Inc. and IDS New Dimensions Fund, Inc. Memorandum in support of Motion to dismiss. Filed in 70 Civil 5733
12–16–71	Filed defts' Investors Diversified Service, Inc. and IDS New Dimensions Fund, Inc. Reply Memorandum in support of Motion to Dismiss or Stay.

Chronological List of Docket Entries
Schein v. *Chasen*

DATE	PROCEEDINGS
12–16–71	Filed deft. Chasen Reply Memorandum in support of motion to dismiss. (Filed in #70 Civ. 5733).
12–16–71	Filed Pltfs'. Schein & Gregorio Memorandum in opposition to defts'. motion to dismiss. (Filed in #70 Civ. 5733).
12–16–71	Filed Deft. Investors Diversified Service Inc. Memorandum in support of motion. (Filed in #70 Civ. 5733).
12–16–71	Filed deft. Lehman Bros. Reply Memorandum in support of motion to dismiss. (Filed in #70 Civ. 5733).
12–16–71	Filed deft. Lehman Bros. Memorandum in support of motion to dismiss. (Filed in #70 Civ. 5733).
12–16–71	Filed Affidavit of Melvin Chasen in support of motion of certain defendants to dismiss for failure to state a claim.
12–16–71	Filed deft. Melvin Chasen Affidavit & Notice of joinder in motion on behalf of IDS, Inc., IDS, New Dimensions Fund Inc., Sit, Jundt & Simon to dismiss complaints before Tyler, J. (Filed in #70 Civ. 5733).
12–16–71	Filed Reply Memorandum in support of Motion to dismiss or stay. (Filed in 71 Civ. 1925).
12–16–71	Filed Reply Memorandum in support of deft. Simon's motion to dismiss and for summary Judgment.

Chronological List of Docket Entries
Schein v. *Chasen*

DATE	PROCEEDINGS
1– 6–72	Filed Notice of Settlement and Order. Ordered that the above entitled actions are dismissed with prejudice and without costs. Tyler, J. (mailed notice).
2– 4–72	Filed Notice of Appeal by Jacob Schein and Marvin H. Schein. (mailed copies)
3–16–72	Filed stipulation and order extending the time by which the records on appeal in actions 71 Civil 1925, 70 Civ. 5733 and 71 Civil 4218 shall be transmitted to the Court of Appeals, to 3/22/72. (Filed in 70 Civil 5733). Tyler, J.
12–16–71	Filed Memorandum of Law in support of deft. Simon's motion to dismiss and for summary judgment
4– 5–72	Filed Certified Record on Appeal to the USCA.